



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1996

Ms. Sandra D. Carpenter
Walsh, Anderson, Underwood,
Schulze, & Aldridge, P.C.
P.O. Box 2156
Austin, Texas 78768

OR96-2452

Dear Ms. Carpenter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102663.

The Leakey Independent School District (the "district"), which you represent, received a request for a copy of the resume of the district's current superintendent. You claim that the requested information is not a public record, but that if it is, certain information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

First, you contend that the document is not a public record, and that personal notes written by the district's board member should be redacted from the document. Section 552.002 defines "public information" as

(a) . . . information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body; or

(2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.002(a). The resume is information that is collected by the district's board, a governmental body, in connection with the transaction of official business. Additionally, the board member has access to the information in her official capacity as a board member. See Attorney General Opinion JM-1143 (1990). Thus, we conclude that the submitted document is a public record subject to the Open Records Act. Personal notes are not excluded from the definition of "public information" and are also subject to the act.

See Open Records Decision No. 450 (1986) (handwritten notes taken by an appraiser while observing a teacher's classroom performance are subject to the act); 120 (1976) (faculty members' written evaluations of a doctoral student's qualifying exam are subject to the act).

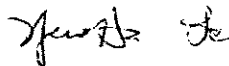
Second, you assert that the resume contains information that is excepted from disclosure under section 552.117. Specifically, you urge that the addresses and telephone numbers of the listed references and the superintendent's family information should be redacted from the resume. Because the superintendent is a current employee, the district must withhold his home address, telephone number, and family information if he has elected, prior to the date of this request, to restrict access to this information in compliance with Government Code section 552.024. *See* Gov't Code § 552.117. However, section 552.024 does not apply to the superintendent's list of references. Section 552.024 provides that an employee of a governmental body may deny public access to certain information "in the custody of the governmental body." Here, the district is not the employing governmental body to which the character references would have made their section 552.024 election. Thus, the district may not withhold the home addresses, telephone numbers, and family information of the listed references. Moreover, this office has held that the names, occupations, addresses, and phone numbers of character references are not protected by disclosural privacy. Open Records Decision No. 455 (1987). There is a public interest in this information because it bears upon an applicant's past employment record and his suitability for the position in question. *Id.* Therefore, character reference information is not protected from required disclosure.

Lastly, you inquire whether the cover letter attached to the resume must be released. Because the cover letter is not responsive to the request for a copy of "the original resume," you need not release the letter.

In summary, we conclude that, except for the redactions of information under section 552.117, the district must release the requested resume.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 102663

Enclosures: Submitted documents

cc: Ms. Lisa Yaklin
P.O. Box 1048
Leakey, Texas 78873
(w/o enclosures)